

AUG 05 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ELLIS

Appln. No. 09/763,024

Filed: March 20, 2001

Confirmation No.: 2645

Atty. Ref.: 1430-263

T.C. / Art Unit: 1642

Examiner: L.R. Helms

FOR: GRIP HUMAN ADAPTER PROTEIN RELATED TO THE GRB2 FAMILY MEMBER

\* \* \*

**RESPONSE TO RESTRICTION REQUIREMENT**

August 5, 2004

**Mail Stop Amendment**

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the pending Office Action (Paper No. 20040505) mailed May 7, 2004, entry and consideration of the following amendments and remarks are respectfully requested.

The claims are presented on pages 2-3.

Claims 1-13 are canceled without prejudice or disclaimer.

Claims 14-20 are added.

Remarks begin on page 4.

1/17/2004 GDUCKETT 00000004 141140 09763024

1 FC:1252 420.00 DA

Adjustment date: 10/25/2004 SDIRETA1  
08/17/2004 GDUCKETT 00000004 141140 09763024  
01 FC:1252 420.00 CR

865884



5TH FLOOR  
1100 NORTH GLEBE ROAD  
ARLINGTON, VIRGINIA 22201-4714

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**Nixon & Vanderhye P.C.**

ATTORNEYS AT LAW

September 14, 2004

Dep. & Ref. Rm 307  
PATENT DIVISION

2004 SEP 17 AM 10:32

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FACSIMILE: (703) 816-4100  
WRITER'S DIRECT DIAL NUMBER:  
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U.S. Patent and Trademark Office  
MS 16 - Refund  
P.O. Box 1450  
Alexandria, VA 22313-1450

Subject: **REQUEST FOR REFUND TO DEPOSIT ACCOUNT**  
Deposit Account No. 14-1140  
Statement Date: August 2004  
Date Posted: August 17, 2004  
Control No.: 4  
Fee Code: 1252  
Our Ref.: 1430-263

Dear Sir:

Regarding the Monthly Statement of Deposit Account dated August 31, 2004 (copy attached), there is an error which is indicated and has resulted in a charge to our Deposit Account. This charge is unwarranted for the following reason:

An Office Action mailed May 7, 2004 set a shortened statutory period for reply of three (3) months from the mailing date (copy attached), which makes the reply due August 7, 2004. A response to the Office Action was filed on August 5, 2004. Attached is a copy of the stamped PTO card receipt showing that the response was filed before the due date of August 7, 2004. Therefore, no extension of time was required when the response was filed.

Please issue a refund as soon as possible. If you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely yours,

**NIXON & VANDERHYE P.C.**

By: 

Gary R. Tanigawa

Enclosures

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08/10 25	10365417	4059-13 HNB	2252	-\$420.00	\$18,336.98
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08/10 92	10738207	265-159	1051	\$130.00	\$17,274.98
08/10 93	10738207	265-159	1053	\$130.00	\$17,144.98
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08/10 98	PCT/US04/25208	3691-729	1703	\$132.00	\$16,564.98
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08/11 2	10489455	2075-51 BND	1615	\$180.00	\$15,272.98
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08/19 2	10482938	4011-5 JRL	1614	\$86.00	\$23,608.98
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08/20 8	10774492	829-621 JSP	1806	\$180.00	\$23,678.98
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08/23 2	09763236	39-232 MJW	2202	\$36.00	\$23,192.98
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08/24 1	6510715	888-46	1811	-\$100.00	\$22,923.98



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Serial No.: 09/783,024

C#/M#: 1430-263

Atty: Gary R. Tanigawa

Inventor: ELLIS

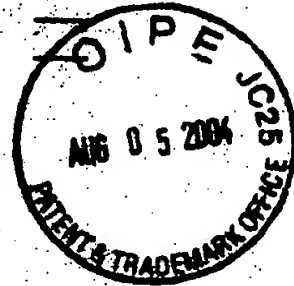
Date: August 5, 2004

Title: GRIP, HUMAN ADAPTER PROTEIN RELATED TO  
THE GRB2 FAMILY MEMBER

**RESPONSE TO RESTRICTION REQUIREMENT**

\$ Total Fee

Other: INFORMATION DISCLOSURE STATEMENT, PTO  
FORM-1449 AND REFERENCE



6RT  
1430-263



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,024	03/20/2001	Jonathan Henry Ellis	1430-263	2645

7590

05/07/2004

Nixon & Vanderhye  
1100 North Glebe Road 8th Floor  
Arlington, VA 22201-4714

EXAMINER

HELMS, LARRY RONALD

ART UNIT PAPER NUMBER

1642

DATE MAILED: 05/07/2004

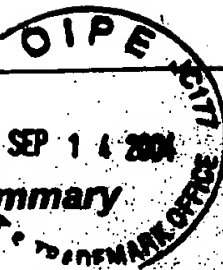
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Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

SEP 14 2004



Application No.

09/783,024

Applicant(s)

ELLIS, JONATHAN HENRY

Examiner

Larry R. Helms

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

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- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_